

~~ORDER DENIED~~

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHANNON LEE STARR,)	No. C 14-2170 RMW (PR)
)	
Plaintiff,)	ORDER DENYING MOTION TO
)	SUSPEND DATE; DIRECTING
v.)	PLAINTIFF TO FILE AN
)	AMENDED COMPLAINT
GREGORY J. AHERN, Sheriff, et al.,)	
)	(Docket Nos. 6, 11.)
Defendants.)	

Plaintiff, a California state civilly committed detainee proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. On November 12, 2014, the court screened plaintiff's complaint and dismissed it with leave to amend. On December 11, 2014, plaintiff filed a motion to suspend the date for filing his amended complaint pending disposition of plaintiff's interlocutory appeal. On January 14, 2015, the Ninth Circuit Court of Appeals dismissed the appeal for want of jurisdiction.

Accordingly, plaintiff's motion is DENIED as moot. Plaintiff is directed to file an amended complaint within **twenty-eight** days of the filing date of this order.¹ The amended complaint must include the caption and civil case number used in this order (C 14-2170 RMW (PR)) and the words AMENDED COMPLAINT on the first page. The amended complaint must


¹ Plaintiff's motion for a preliminary injunction is DENIED as premature. See Fed. R. Civ. P. 65(a)(1); Zepeda v. INS, 753 F.2d 719, 727 (9th Cir. 1983). (Docket No. 6.)

1 indicate which specific, named defendant(s) was involved in each cause of action, what each
2 defendant did, what effect this had on plaintiff and what right plaintiff alleges was violated.
3 Plaintiff may not incorporate material from the prior complaint by reference. If plaintiff files an
4 amended complaint, he must allege, in good faith, facts - not merely conclusions of law - that
5 demonstrate that he is entitled to relief under the applicable federal statutes. **Failure to file an**
6 **amended complaint within thirty days and in accordance with this order will result in a**
7 **finding that further leave to amend would be futile and this action will be dismissed.**
8 Plaintiff is advised that an amended complaint supersedes the original complaint. "[A] plaintiff
9 waives all causes of action alleged in the original complaint which are not alleged in the
10 amended complaint." London v. Coopers & Lybrand, 644 F.2d 811, 814 (9th Cir. 1981).
11 Defendants not named in an amended complaint are no longer defendants. See Ferdik v.
12 Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992).

13 Plaintiff has also requested a copy of his original complaint for his records. As a one
14 time courtesy, the Clerk shall provide plaintiff with a copy of his original complaint.

15 IT IS SO ORDERED.

16 DATED: ~~HDBI~~ _____


RONALD M. WHYTE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SHANNON L STARR,
Plaintiff,

Case Number: CV14-02170 RMW

CERTIFICATE OF SERVICE

v.

GREGORY J AHERN et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 3, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Shannon Lee Starr ALJ-123
Alameda County Santa Rita Jail
5325 Broder Boulevard
Dublin, CA 94568

Dated: March 3, 2015

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk